

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard Yemm

Application No.: 10/551,811

Confirmation No.: 3961

Filed: June 16, 2006

Art Unit: 2834

For: WAVE POWER APPARATUS

Examiner: Pedro J Cuevas

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants have received the Examiner's Statement of Reasons for Allowance with the June 27, 2008 Notice of Allowance. Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear the Examiner's reasons for allowing a claim or claims." 37 C.F.R. 1.104(e). In the present case, Applicants believe the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Therefore, the record should reflect that Applicants do not necessarily agree with the statement in the reasons for allowance.

Applicants' claims should be limited only by the terms utilized therein. Thus, Applicants hereby submit these Comments in an effort to ensure that the claims are properly construed based only upon limitations that are actually present therein and/or to ensure that the claims are not interpreted so as to include any additional claim limitations that are not found in the respective claims.

Further, each of the claims stands on its own merits and is patentable because of the combination it recites and not because of the presence or absence of any one particular element. Thus, it is respectfully submitted that each claim is allowable at least because the subject matter defined by its language is neither anticipated by, nor would have been obvious when taken as a whole in view of the art of record.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2855 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees under order number 30989/41538.

Dated: September 17, 2008

Respectfully submitted,

By 

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